

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHUONG H. NGUYEN,

Defendant.

CASE NO. CR15-120-JCC

DETENTION ORDER

Offense charged: Conspiracy to Distribute Controlled Substances; Forfeiture Allegations

Date of Detention Hearing: April 27, 2015.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with a drug offense, the maximum penalty of which is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

2. Defendant has a lengthy criminal history that includes multiple failures to appear with resultant warrant activity, and drug charges. His state community corrections officer reports that defendant was arrested for unrelated charges while on supervision, failed to report to the supervising officer as directed, failed to report for urinalysis testing, and failed to participate in chemical dependency treatment as directed. Semi-automatic firearms were allegedly found during a search of defendant's residence, and defendant may be charged with Felon in Possession of a Firearm. The AUSA also proffers that false identification documents were found during the search with defendant's photograph issued in a different name.

3. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

It is therefore ORDERED:

1. Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
2. Defendant shall be afforded reasonable opportunity for private consultation with counsel;
3. On order of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

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- 1 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for
2 the defendant, to the United States Marshal, and to the United State Pretrial Services
3 Officer.

4 DATED this 27th day of April, 2015.

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6 Mary Alice Theiler
7 United States Magistrate Judge
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